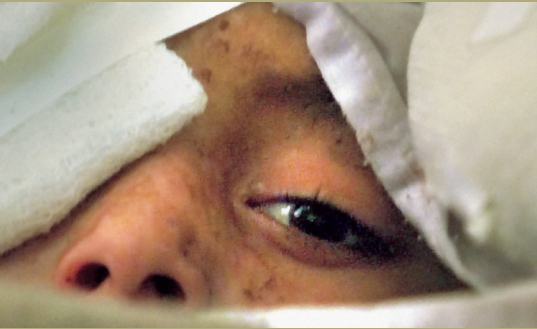




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OVERVIEW

In response to the death, injury and suffering caused by cluster munitions, 107 States negotiated and adopted the Convention on Cluster Munitions at a diplomatic conference in Dublin, Ireland in May 2008.

The Convention is an important addition to international humanitarian law (IHL). It establishes new rules to ensure that cluster munitions are no longer used and that the existing humanitarian problems associated with these weapons are addressed. Importantly, the Convention has specific provisions which aim to meet the needs of victims and affected communities.

The Convention enters into force on 1 August 2010.

THE CONVENTION ON CLUSTER MUNITIONS

A NEW TREATY TO END THE SUFFERING CAUSED BY CLUSTER MUNITIONS

WHAT DOES THE CONVENTION DO?

The Convention comprehensively bans cluster munitions by prohibiting their use, production, stockpiling and transfer. It also prohibits States Parties from assisting, encouraging or inducing anyone to undertake any activity prohibited by the Convention's provisions.

In addition to the aforementioned prohibitions, States that possess or are affected by cluster munitions have specific obligations to destroy stockpiles, to clear cluster munition remnants and to provide assistance for victims.

■ **The destruction of stockpiles** – Each State is required – within eight years of becoming a party to the Convention – to destroy the stockpiles of cluster munitions under its jurisdiction and control. This deadline may be extended for an additional four years and further extensions of four years may also be granted in exceptional circumstances. States may also retain a limited number of cluster munitions and explosive submunitions for training in clearance and for the development of destruction techniques.

■ **Clearance of cluster munition remnants** – Each State must also clear its territory of unexploded submunitions and abandoned cluster munitions within 10 years of becoming

a party to the Convention. If a State is unable to do so, it may request extensions for additional periods of five years. States must conduct risk education programmes to ensure awareness among civilians who live in or around areas affected by cluster munitions.

■ **Providing assistance for victims** – The Convention contains robust provisions on assistance for victims. Each State Party that has cluster munition victims on its territory or under its control must provide for their medical care and physical rehabilitation, psychological support and social and economic inclusion. In addition, the State must assess domestic needs in these areas and develop plans and mobilize resources to meet them. This is the first time that such a detailed provision on assistance for victims has been included in an IHL treaty.

It is worth noting that not only those who are killed or injured by cluster munitions are defined as "cluster munition victims"; the term also covers families and communities that have suffered socio-economic and other consequences. This broad definition reflects a growing consensus among those concerned with weapons removal.



HOW ARE CLUSTER MUNITIONS DEFINED IN THE CONVENTION?

Under the terms of the Convention, a cluster munition is a conventional munition that disperses or releases explosive submunitions: small, unguided explosives or bomblets (each weighing less than 20 kilograms) that are designed to explode prior to, on or after impact.

Weapons with fewer than 10 explosive submunitions are not considered to be cluster munitions as long as each submunition weighs more than four kilograms, can detect and engage a specific target object and is equipped with electronic self-destruct and self-deactivating features. Also excluded are weapons that are designed to dispense flares, smoke or pyrotechnics as well as munitions designed to produce electrical or electronic effects. The Convention neither prohibits nor restricts the use of these weapons; however, their use is regulated by the general provisions of IHL.

HOW WILL IMPLEMENTATION AND COMPLIANCE WITH THE CONVENTION BE MONITORED?

The Convention includes a variety of mechanisms for promoting its implementation and ensuring that its provisions are respected.

In the interests of transparency, States are required to **report annually** to the UN Secretary-General on a range of matters including the types and numbers of cluster munitions destroyed, the extent and the location of areas contaminated by cluster munitions, the status of clearance programmes, the measures taken to provide risk education and warnings for civilians, the status of programmes for providing assistance for victims and the measures taken domestically to prevent and suppress violations of the Convention. Reporting on these matters also provides an overview of the status of implementation.

In addition, **meetings of States Parties** will be held regularly to review the effectiveness of the Convention. Such meetings are an important opportunity to review progress in implementation, discuss best practices and resolve issues related to implementation and compliance.

Should concerns arise about a State's **compliance** with the Convention, clarification may be sought through the UN Secretary-General. If necessary, the issue may be submitted to a meeting of States Parties, which can adopt procedures or specific mechanisms to clarify the situation and draft a resolution. In any dispute involving two or more States Parties, efforts shall be made to settle the issue by negotiation or other peaceful means of their choice, such as referring the matter to the International Court of Justice in accordance with the Court's Statute.

Finally, each State Party has an obligation to take all appropriate **legal, administrative and other measures** to implement the Convention. This includes the imposition of penal sanctions to prevent and suppress violations by persons, or on territory, under the State's jurisdiction or control. This often requires the adoption of domestic legislation as well as amendments to regulations governing the armed forces.

WILL THE CONVENTION MAKE A DIFFERENCE?

When implemented, the Convention will prevent tremendous human suffering by ensuring that hundreds of millions of cluster submunitions are never used and are destroyed. In addition, the Convention will directly benefit affected communities through increased efforts to clear areas contaminated by cluster munitions, thus saving lives and returning land for agriculture and other productive activities. It will also help the victims of cluster munitions through an increased commitment to various types of support, including medical care, rehabilitation, psychological support and social and economic inclusion. All States Parties to the Convention have a responsibility for ensuring its success. When they are in a position to do so, even States that do not possess stockpiles or have cluster munition remnants on their territory must provide assistance for affected countries to help implement the Convention.

In addition to affecting the behaviour and practice of States Parties, the Convention on Cluster Munitions will also have an impact on States that have not yet signed or ratified the instrument. With the adoption and entry into force of this Convention, many countries, the media and the public now consider cluster munitions to be a stigmatized weapon. It will be more difficult for any State or armed group to use cluster munitions in the future.

With the adoption and entry into force of the Convention on Cluster Munitions, international humanitarian law establishes a comprehensive framework for preventing and ending the civilian suffering caused by "weapons that can't stop killing." The 1997 Mine Ban Convention, the 2003 Protocol on Explosive Remnants of War and the 2008 Convention on Cluster Munitions together constitute a far-reaching response to the humanitarian consequences of unexploded and abandoned ordnance and provide hope of a future when communities will be able to live without the threat of these weapons.